THE UNITED STATES PATENT AND TRADEMARK OFFICE (Attorney Docket No. 13935US02)

In the Application of:)) \ Electronically Filed
Lee, et al.)
Serial No. 10/629,207)
Filed: 7/29/2003)
Examiner: Rahman)
Group Art Unit: 2116)
Conf. No. 5674))

Pre-appeal Brief

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This correspondence is in response to the final office action of 10/2/2009.

REMARKS

Claims 34-43, 45, 46, and 49-60 are presently pending and stand rejected. Claims 1-33, 44, 47, and 48 are cancelled without prejudice. Claims 34-43 and 45-48 were rejected. Assignee respectfully requests pre-appeal review of certain rejections.

Claim 34 is recites, among other limitations, "wherein selecting the power state further comprises: configuring a PHY layer to restart and negotiate at a predetermined speed; and increment advertized capabilities until link presence is detected".

The Office Action indicates that Mills teaches "330 moves to 310 where auto-negotiation is performed at a predetermined speed; lines 15-35 of column 4, line 65 of column 4 through line 22 of column 5; lines 30-40 of column 14). Assignee respectfully traverses the rejection and notes that Mills does not teach "negotiate at a predetermined speed". Accordingly, Assignee respectfully requests that the rejection to claim 34 and 49 be reversed.

Conclusion

For at least the foregoing reasons, it is respectfully submitted that each of the pending claims are allowable, thereby placing the application in a condition for allowance. Accordingly, a notice of allowance is respectfully requested.

It is believed that all monies for any actions requested in this correspondence are submitted with this correspondence. To the extent that additional monies are required for any actions requested in this correspondence,

Commissioner is authorized to charge deposit account 13-0017.

Respectfully Submitted,

Mirut Dalal

Date: June 4, 2009

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 13935US02				
I hereby certify that this correspondence is being electronically filed with United States Patent and Trademark Office	Application Number 10/629,207			Filed 7/29/2003	
on March 2, 2010 Signature /Mirut P. Dalal/	First Named Inventor Lee				
Typed or printed Name Mirut P. Dalai				xaminer ahman	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.					
This request is being filed with a notice of appeal.					
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.					
I am the	/Mirut P. Dalal/				
applicant/inventor. assignee of record of the entire interest.	Signature Mirut P. Dalal				
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Typed or printed name				
attorney or agent of record. Registration number 44,052	(312) 775-8063				
attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34	or agent acting under 37 CFR 1.34.				
regionation number if acting under 57 GFR 1.34			Date		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.					
*Total of forms are submitted.					

This collection of information is required by 58 LS C. 132. The information is required to obtain or retain a benefit by the poblic which is to file (and by the USPTO to process) an application, Confidentiably is governed by 38 LSC. 123 and 27 CPR 11.11. It had 41.61. This concludes in settlement to late 2 Emitteds to complete, including gathering, proparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the arount of time vour require to complete this form and/or suggestions for reducing this burden. Assolute be sent to the filmeration Offices. U.S. Patent and Trademark Office. U.S. Department of Commerce, P.O. Box 1450, Mexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mills 180p. AF, Commissioner for Patents, P.O. Box 1450, Mexandria, VA 22313-1450.